REMARKS

This Amendment is being filed concurrently with an RCE.

The Final Office Action mailed April 2, 2007, has been carefully reviewed and by this Amendment, Applicant has amended claims 1, 2, 10, 12, 14 and 15, and added claim 21. Claims 1-21 are pending in the application; claims 1 and 14 are independent.

The Examiner rejected claims 1-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,449,971 to Cawood.

By Amendment filed August 2, 2007 ("the August Amendment"), Applicant requested reconsideration of the Examiner's rejections, presenting remarks directed to the scope of the fluid retaining area in Cawood and the positioning of tubular inner film elements within such fluid retaining area, i.e. on opposite sides of a longitudinal dividing line and situated near the discharge portion.

By Advisory Action mailed August 30, 2007, the Examiner stated that she did not find Applicant's remarks in the August Amendment to be persuasive. The Examiner indicated that the "fluid retaining area" could include portions of the bag that retain the fluid only temporarily, such as the drain tube of Cawood. The Examiner also stated that the tubular inner film elements of Cawood are situated on opposite sides of a dividing line that is

substantially parallel with the longitudinal direction defined by the discharge portion. The Examiner did not, however, appear to consider the limitation in claim 14 of the presently claimed invention that provides that *both* tubular inner film elements are situated in the area of the bag *near the discharge portion.*

Accordingly, as set forth herein, claim 1 has been amended to further define the accommodating element area of the bag. Specifically, the bag includes a bag member having at least two outer film blanks with joined edges defining the outer contours of the bag member and the fluid-retaining area thereof. A discharge portion in the lower portion of the bag member defines a longitudinal direction and has a closure device for bringing the bag from a discharge position, in which the bag is open, to a position of use, in which the bag is closed. An accommodating element having an opening is provided within the outer contours of the bag member for accommodating at least a part of the discharge portion in the in-use position of the bag.

The bag member further includes first and second substantially tubular inner film elements within the fluid-retaining area and attached to the inner side of each outer film blank by means of at least one joint. The first and second substantially tubular inner film elements are respectively situated

on each side of a dividing line substantially parallel with the longitudinal direction defined by the discharge portion, with each of said inner film elements having, when the bag is substantially empty, a distal fold and a proximal fold with respect to this dividing line. A first joint between the first inner film element and one of the outer film blanks and a second joint between the second inner film element and the same outer film blank each respectively include at least one proximal joint section at or near the proximal fold and at least one distal joint section at or near the distal fold. For each of these first and second joints, the distance between the lower part of the proximal joint section and the proximal fold is smaller than the distance between the lower part of the distal joint section and the distal fold.

With the structure as described, a *recessed space* is created between the proximal joint sections so as to overlie the longitudinal dividing line. This recessed space, which is in the lower portion of the bag adjacent the discharge portion, is able to fully accommodate the closure device when in the in-use position so that *the closure device*, when received within the opening of the accommodating element, *nests within the space and does not protrude outside an arched plane defined by the overall shape of the bag member*. A bag having this structure, which is discussed in the

specification on page 9, lines 11-19, and on page 12, lines 22-25, is not shown or suggested by Cawood.

In Cawood, the discharge tube 34 is received within a pocket 37 through a slit 38, i.e., the "accommodating element", when the bag is in use. The Examiner has interpreted the pocket 37 and the inlet tube 29 as being "substantially tubular inner film elements" having proximal and distal joint sections and being positioned on opposite sides of a longitudinal center dividing line. However, with the amendments set forth herein, it is clear that Cawood does not disclose or suggest that a *recessed space* is created between the proximal joint sections overlying the longitudinal dividing line. Further, Cawood does not disclose a recessed space in the lower portion of the bag adjacent the discharge portion that fully accommodates the closure device so that, when the bag is in use, the closure device fits within the recessed space and *does not protrude outside an arched plane defined by the overall shape of the bag member.* Accordingly, claim 1 as set forth herein, as well as new claim 21, is patentable over Cawood.

The bag member as set forth in claim 14 is defined in a manner similar to that in claim 1 prior to the present amendments. However, as commented above, claim 14 provides that *both* of the

substantially tubular inner film elements are *in the lower portion of the bag member adjacent the discharge portion*. This is not shown by Cawood in which *only one* of the inner film elements, namely the pocket 37, is adjacent the discharge tube 34 while the other, being an inlet tube 29, is necessarily spaced at a distance therefrom. Hence, Cawood could not be modified to have both "inner film elements" of the type disclosed threin adjacent the discharge portion. Accordingly, claim 14, as well as dependent claim 12, is patentable over Cawood.

Claims 2-13 and 15-21 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein. In particular, Cawood does not disclose a recessed space as set forth in claim 1 which is created by the oblique extension of the proximal joint sections with respect to the center dividing line such that the proximal joint sections converge in the direction of the discharge portion, as set forth in claim 2. Nor does Cawood teach or suggest that these oblique joint sections shape the bag when it is at least partly filled so that the bag thickness, as measured between the two outer film blanks from front to back, is smaller at the lower ends where the proximal joint sections converge than at the upper ends of the same proximal joint sections, as set forth in claim 15 (see page 12, lines 2-17).

With this Amendment, it is respectfully submitted that the present application is in condition for allowance. However, to more fully convey the nature of the invention, Applicant would like to schedule a personal interview with Examiner Hand in order to show a product sample which Applicant's representative found very helpful in understanding the structure being claimed. Accordingly, Examiner Hand is cordially requested to contact the undersigned when taking up this application and the accompanying RCE for consideration so that this interview can be arranged and the present application granted an early Notice of Allowance.

Respectfully submitted,

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